

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOSEPH SHERESHEVSKY (formerly known as Joseph Heller) and ELKA SHERESHEVSKY,

Plaintiffs,

-against-

RAN NIZAN,

Defendant.

07 Civ. 09814 (JFK)
ECF Case

**NOTICE OF MOTION TO DISMISS ACTION FOR
LACK OF PERSONAL JURISDICTION, AND FAILURE TO
STATE A CLAIM UPON WHICH RELIEF MAY BE GRANTED**

PLEASE TAKE NOTICE that defendant Ran Nizan, by and through his attorneys, the Law Office of Peter M. Spett, hereby moves to stay discovery in this action pending resolution of his motion to dismiss, and moves to dismiss this action pursuant to Rule 12(b)(2) of the Federal Rules of Civil Procedure, or, in the alternative, moves to dismiss this action pursuant to Rule 12(b)(6), for the reasons set forth in the supporting affidavit of Ran Nizan, sworn June 21, 2008, and the supporting memorandum of law filed contemporaneously herewith.

WHEREFORE defendant respectfully requests this Court stay discovery in this action pending resolution of defendant's motion to dismiss, and grant an order:

- A. Dismissing plaintiff's complaint in its entirety based upon lack of personal jurisdiction; or
- B. In the alternative, dismissing plaintiff's complaint in its entirety for failure to state a claim upon which relief can be granted; and
- C. Granting such other relief as this Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE that pursuant to Rule 6.1(b) of the Local Rules of the United States Courts for the Southern and Eastern Courts of New York, any opposing affidavits and answering memoranda shall be served within ten business days after service of the moving papers, and any reply affidavits and memoranda of law shall be served within five business days after service of the answering papers.

Dated: New York, New York
June 27, 2008

Respectfully submitted,

LAW OFFICE OF PETER M. SPETT

By: s/ Peter M. Spett

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